

COMPARATIVE LEGAL ASPECTS OF CIVIL-LAW REGULATION IN KIEVAN RUS' AND HALYCH-VOLHYN' PRINCIPALITY

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The relevance of this topic for our present is based on the need of every conscientious citizen of Ukraine to be acquainted with his ancient history, the sources and origins of certain socio-political processes that took place in our country during the last Millennium, and state-legal relations that accompanied them.

The understanding of this peculiarity of science which is called "History of the state and law" gives us the perfect opportunity to use its teaching for the history exploration from the perspective of jurisprudence.

Prior to carry out a comparative analysis of civil regulations in Kievan Rus' and the Halych-Volhyn' Principality, it should be noted that considering time aspect the civil law of these states was highly developed due to intensive development of crafts and trade there.

While comparing the civil law of Kievan Rus' and the Halych-Volhyn' Principality it should be emphasized that both law of both states have been highly developed, humanistic and progressive, still possessing common as well as distinctive features.

Right of property. The sources of law of Kievan Rus' and the Halych-Volhyn' Principality did not contain general term to determine the ownership title, taking into account that the content of that title depended on who was the subject of relationships and what was the ownership object. In particular, there have been differentiated "ownership title" and "possession title" to movable and immovable things.

According to the provisions of "Rus'ka Pravda" in the said countries the subjects of ownership were princes, princely and county boyars, warriors, clergy, artisans, merchants, smerds, zakups. Servants and slaves were not entitled to be the ownership subject.

The law of both Kievan Rus' and the Halych-Volhyn' Principality regulated the legal status of the owner authorised to dispose of property, enter into agreements, etc.

Analysis of the law of Kievan Rus' and the Halych-Volhyn' Principality shows that the object of civil law was movable and immovable property, such as land, livestock, clothing, weapons, tools, etc.

After emergence of legal regulation of property relations the land became the main ownership object. Both in Kievan Rus' and the Halych-Volhyn' Principality main ways to acquire the ownership title to the land were: granting of the land for service and for the sake of service, development of vacant lands, direct seizure of communal lands, purchase, gift, exchange and inheritance.

The main forms of land ownership in the above countries were: princely domain boyar patrimony, monastic patrimony, personal patrimony of the church

hierarchy, community lands, individual and family land plot, uninhabited vacant land the supreme owner of which was the Grand Prince.

Contractual law. In Kievan Rus' and the Halych-Volhyn' Principality the obligations arose due to two reasons: as a result of the entered agreement and due to the caused damage.

The agreement was called "riad" and was entered usually orally at the market in presence of witnesses. The written form was mandatory if the subject of the agreement had significant value. In Kievan Rus' and the Halych-Volhyn' Principality the most common were agreements on sale, loan, exchange, baggage, personal employment.

Both in Kievan Rus' and the Halych-Volhyn' Principality the breach of agreement or causing damage resulted in civil liability in a form of princely "uroks". The "uroks" were appointed by princes, considering the caused damage, circumstances of the offense and actual property opportunities of the offender.

Family law. Both in Kievan Rus' and the Halych-Volhyn' Principality the marriage was preceded by matchmaking when the parties concluded an agreement on marriage. Following the matchmaking the people gathered on both sides of the so-called "zmovyny" where the wedding details were agreed. Such arrangements have called "riad" and could be concluded either orally or in writing. During the "riad" the engagement took place, where the brides declared their consent to get married. The church considered marriage a Sacrament, and its legal form was the church wedding.

In order the marriage was declared valid it was necessary the presence of two conditions: brides' marriage ability (this is for 12-13 years for bride and 14-15 years for the groom) and voluntary consent of brides and parents. The maximum allowed number of marriages was two.

In Kievan Rus' divorce was usually executed by the ecclesiastical court. The establishment of Christianity in the Halych-Volhyn' Principality led to a significant complication of the procedure of divorce, which was allowed only basing on the personal permission of metropolitan.

The first violin in the family was played by mother that had a great impact on formation of the children behaviour; in the family there dominated freedom and equality, and legal status of women was quite high, her rights protected by the state.

Inheritance law in Kievan Rus' and the Halych-Volhyn' Principality was characterized by openly ambiguous approach for succession of different population groups. For example, in case of boyars and warriors both sons and daughters were entitled to inherit, while if smerds had no sons their property was assigned to the prince.

Inheritance in the above mentioned states was performed both according to the law and according to the will. The will was mainly in oral form and rarely the written form was used. The will could be valid only if approved by the church and if there have been preserved the mandatory part to be inherited by own children born in the marriage. Disputes over the distribution of heritage were in the competence of ecclesiastical court.

Consequently, after analyzing civil law of Kievan Rus' and the Halych-Volhyn' Principality, we can conclude that civil relations in these countries were settled mainly in "Rus'ka Pravda" at a high level as considering the times.

The Halych-Volhyn' Principality, being the successor of Kievan Rus', adopted its cultural and national as well as legal traditions, still its political and social development was strongly impacted by the relationships existing at that time in Central Europe, that resulted in both common and distinctive features of the civil law of mentioned states.

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DEFINITION AND FUNCTION OF TAXES. PRINCIPLES OF TAXATION.

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In the world practice of the national economy problem of taxes is one of the most difficult. As practice shows, there is a dependency ratio of direct and indirect taxes upon such factors as standard of living of the population, the level of culture, tradition existing taxation. According to Article 6 of the Tax Code of Ukraine tax is a mandatory and unconditional payment to relevant budget that is levied from a taxpayer subject to this Code.

The scientific community distinguishes such main features of taxes:

This is a type of payment which is fixed by an act of competent public authority.

Complimentary for person who pays. This feature is based in one-sided movement of funds from the payer to the state.

Untargeted nature of the tax payment means that tax revenues are accumulated by the state and used to satisfy needs of general public; at the same time there is no binding of funds received from payment of specific tax for funding concrete costs.

An unconditional character of the tax means tax payment without any conditions associated with taxpayer, and any counter-actions or privileges of the public entity.

Payment arrives to the corresponding level of budget or a trust fund.